

1 COMP
2 JACQUELINE R. BRETELL, ESQ.
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CASE NO: A-20-815529-C
Department 16

8 EIGHTH JUDICIAL DISTRICT COURT

9 CLARK COUNTY, NEVADA

10 TRINA ARELLANO, an individual, CASE NO:
11 Plaintiff, DEPT. NO:
12 v.
13 LVGV, LLC D/B/A THE M RESORT SPA
14 CASINO,
15 Defendant.

17 **COMPLAINT**

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1 COMES NOW the Plaintiff, TRINA ARELLANO, by and through attorneys
2 JACQUELINE R. BRETELL, ESQ. and MATTHEW B. BECKSTEAD, ESQ. of BIGHORN
3 LAW, and brings this complaint against Defendant, and hereby alleges as follows:

4 **I. PARTIES AND JURISDICTION**

5 1. Plaintiff TRINA ARELLANO (hereinafter referred to as “PLAINTIFF”) was, at all times
6 relevant to this action, a resident of California who was visiting Clark County, Nevada;
7 2. At all times relevant to this action, DEFENDANT LVGV, LLC D/B/A THE M RESORT
8 SPA CASINO (hereinafter referred to as “DEFENDANT M RESORT SPA CASINO”) is
9 a Nevada limited-liability company that is doing business in Clark County, Nevada;
10 3. The facts and circumstances that form the basis of this complaint occurred in Clark County,
11 Nevada;

12 **II. FACTUAL ALLEGATIONS**

13 4. That on May 28, 2018, DEFENDANT M RESORT SPA CASINO, located at 12300 Las
14 Vegas Blvd S, Henderson, NV 89044 (“Premises”), by its authorized agents, servants,
15 and/or employees, acting within the course and scope of their agency or employment,
16 respectively, did negligently and/or carelessly own, maintain, operate, occupy, and control
17 the Premises;
18 5. The negligent conduct described in Paragraph 4 did cause and/or allow the rug or carpet that
19 was on the floor inside DEFENDANT M RESORT SPA CASINO’s Premises to be a trip
20 hazard that ultimately caused PLAINTIFF to trip and fall;
21 6. On May 29, 2018, PLAINTIFF completed a *Guest Accident Report* on DEFENDANT M
22 RESORT SPA CASINO’s form (“Report”), a redacted copy of which is attached hereto as
23 **Exhibit 1**;
24 7. The unredacted factual allegations contained in the Report are incorporated as fully set forth
25 herein;

26 **III. FIRST CAUSE OF ACTION**

27 **(Negligence)**

28 8. PLAINTIFF hereby incorporates each and every foregoing paragraph as if fully set forth

1 herein;

2 9. On May 28, 2018, PLAINTIFF and DEFENDANT M RESORT SPA CASINO had a
3 special relationship, to wit: an innkeeper-guest relationship;

4 10. DEFENDANT M RESORT SPA CASINO, as proprietor of the Premises, had a duty to
5 use reasonable care to keep the Premises safe for PLAINTIFF;

6 11. DEFENDANT M RESORT SPA CASINO negligence consisted of, but is not limited to,
7 the following acts, to wit:

8 (a) Failure to provide a safe avenue for PLAINTIFF to walk in the Premises;

9 (b) Failure to warn PLAINTIFF of the dangerous and hazardous condition that then and
10 there existed in said Premises;

11 (c) Failure to properly and adequately inspect the said dangerous condition in the Premises'
12 walkways in order to ascertain its hazardous and dangerous condition(s);

13 (d) Failure to properly and adequately maintain the Premises' common areas that are open
14 to the public; and/or

15 (e) DEFENDANT M RESORT SPA CASINO had, or should have had, knowledge or
16 notice of the existence of the said dangerous and defective condition which existed on said
17 Premises;

18 15. By reason of DEFENDANT M RESORT SPA CASINO's aforesaid negligence and
19 carelessness, PLAINTIFF was injured and caused to suffer great pain of body and mind,
20 and PLAINTIFF has in fact incurred damages exceeding Fifteen Thousand Dollars
21 (\$15,000.00);

22 18. PLAINTIFF has been required to retain the law firm of BIGHORN LAW to prosecute this
23 action and is entitled to a reasonable attorneys' fees to the fullest extent allowed under
24 Nevada law;

25 **IV. PRAYER FOR RELIEF:**

26 1. Damages for PLAINTIFF, in an amount in excess of \$15,000.00;

27 2. Costs of this suit;

28 3. Attorney fees; and

1 4. For such other and further relief in PLAINTIFF's favor as the Court may seem just
2 and proper upon the premises.

3 DATED this 26th day of May, 2020

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5 **BIGHORN LAW**

6 */s/ Matthew B. Beckstead*

7 **JACQUELINE R. BRETELL, ESQ.**

8 Nevada Bar No.: 12335

9 **MATTHEW B. BECKSTEAD, ESQ.**

10 Nevada Bar No.: 14168

11 716 S. Jones Blvd.

12 Las Vegas, Nevada 89107

13 *Attorneys for Plaintiff*

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EXHIBIT 1

GUEST ACCIDENT REPORT

Assigned Dr #

Occurred: Date: 5/29/18 Time: 23:23M
RESORT * SPA * CASINORESORT * SPA * CASINO
LAS VEGAS2018cas316**Guest Information**Name: Arellano, Trina K.

Address:

First

City:

State:

Zip:

Phone:

DOB:

EMAIL:

Employer:

Occupation:

Are you a guest in our hotel? YES NOIf YES, Room # 60-124If NO, are you a guest at a local hotel or other address? YES NO Hotel: _____

Room # _____

Address: _____

City: _____ State: _____ Zip: _____

Occurrence InformationExactly where did this incident occur? Hallway leading to hotel elevatorState, in your own words, what you were doing and what happened: My husband and I were walking through the hallway as I was walking off the carpet the metal border was up higher and it caught my right sandal. I fell hard on my left knee and right palm of my hand. I took Motrin hoping it will be better the next day, it was worse.Were you injured?: YES NO If "YES", Please describe your injury?: bruised and swollen knee(s)
right palm is swollen, pain is in hand up to right shoulder. Can not lift arm above shoulders.

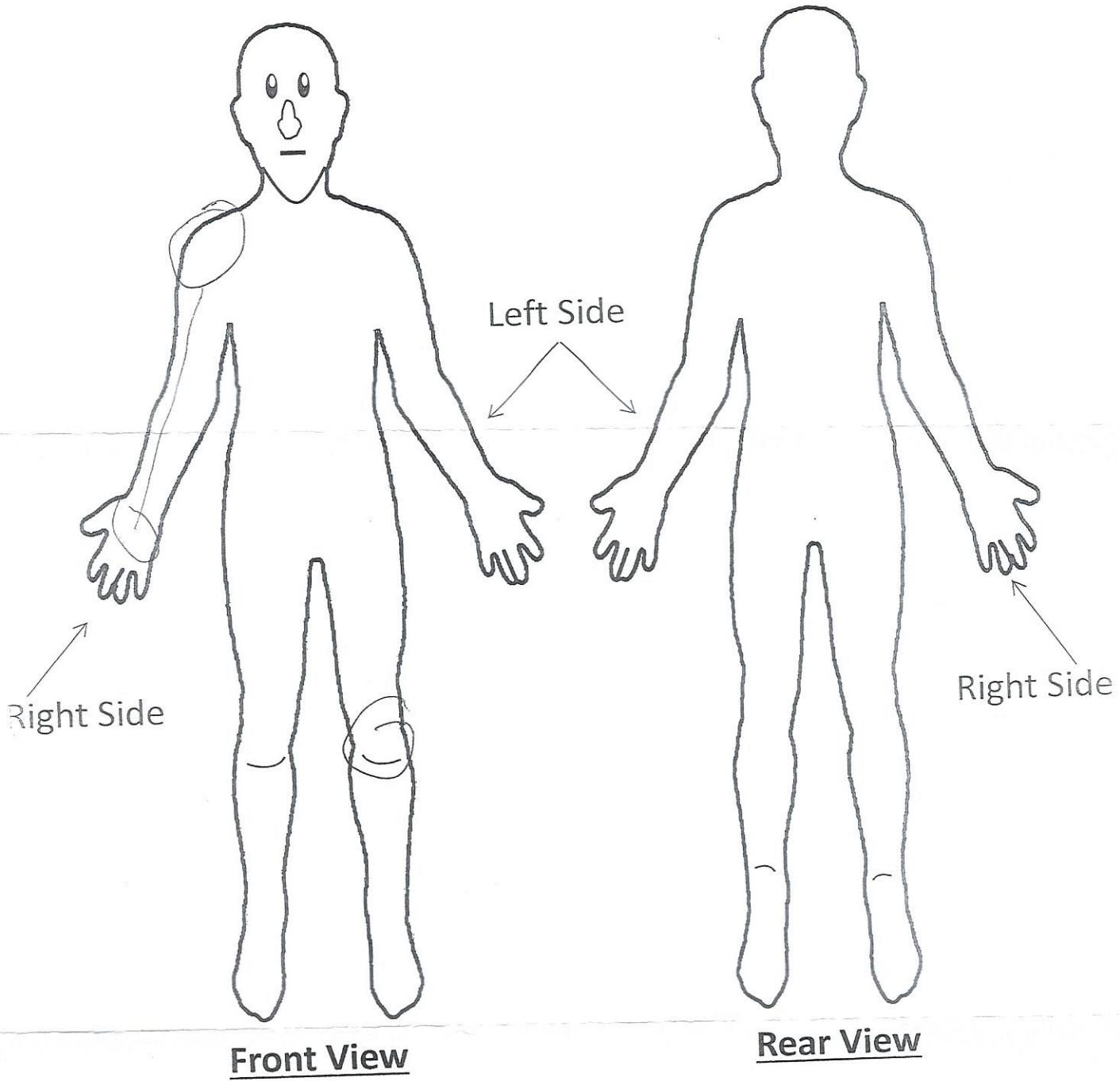
Name & Addresses of any witnesses:

Gustavo Arellano, _____Do you require medical attention beyond basic First Aid?: YES NO (To be initialed by guest)Whom may we contact in case of an emergency? Name: Gustavo ArellanoAddress: Same

City: _____ State: _____ Zip: _____

Phone: _____

Signature of Guest: Trina ArellanoDate Signed: 5/29/18



Front View

Rear View

Pain level from 0 (no pain) to 10 (extreme pain)

Pain level: 0 1 2 3 4 5 6 **7** 8 9 10 (circle one)

Injury Type: Redness - **Swelling** - **Bruise** - Scratch - Cut - Other (Circle applicable)

Trina Arellano
Printed Name

DNA
Signature

5/29/18
Date